JHK:sr

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6246-Cr-DIMITROULEAS

UNITED STATES OF AMERICA,

PLAINTIFF, :

v. :

DENNIS D'AGOSTA, :

DEFENDANT.

## GOVERNMENT'S MOTION TO TRANSFER CASE

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully moves this Court to reassign this matter to United States District Judge Donald Middlebrooks and states as follows:

1. From June 1998 through December 1999, the U.S. Attorney's office with the investigative aid of the State of Florida Comptrollers Office, Florida Department of Law Enforcement, IRS/CID, and Broward Sheriff's Office assistance ran a massive investigation into mortgage fraud in the Northwest section of Fort Lauderdale, Florida. This investigation was known as Operation Flipper and resulted in grand jury Indictment 99-6266 being returned in December, 1999 and assigned to Judge Middlebrooks. Indictment 99-6266 is a 33 page Indictment charging 9 individual defendants and one corporation with federal violations concerning mortgage fraud. As of August, 2000, 6 of the defendants have pled guilty and are cooperating with the authorities in an ongoing investigation. Other defendants have just signed plea agreements with the Government and will be entering pleas soon before Judge Middlebrooks. The last defendant is now scheduled to go



to trial January 16, 2001 before Judge Middlebrooks.

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2. The instant Information against defendant Dennis D'Agosta is part of the ongoing investigation as part of Operation Flipper above. As Judge Middlebrooks is most familiar with Operation Flipper, the scheme and artifice to defraud, the extent of the fraud and the involvement of the defendants charged in the Indictment, the admissions of the defendants who have pled guilty to date and their involvements, the Government believes most respectfully that the Information filed against defendant Dennis D'Agosta should be transferred to Judge Middlebrooks in the interest of judicial economy and his knowledge of the investigation and facts surrounding these defendants. The Government respectfully believes the sentences to be imposed on all the defendant should be by one judge most familiar with all the facts and evidence.

 On August 31, 2000, undersigned counsel spoke with defense counsel, Bo Hitchcock, who advised he was in agreement with the transfer to Judge Middlebrooks.

WHEREFORE, the United States most respectfully moves this Court to reassign this case 00-6246-Cr-Dimitrouleas to Judge Middlebrooks in the interest of judicial economy and practicality and for no other reasons.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

Bv:

ATTERNA

JEFFREY H. KA**Y** ASSISTANT U.S. ATTORNEY

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on this 2/st day of August, 2000 to Bo Hitchcock, Esquire.

JEFFREY H. KAY

ASSISTANT U.S. ATTORNEY